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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,280	01/23/2002	Narayan L. Gehlot	GEHLOT 32-39 (375824/0163)	6768
30541	7590	02/24/2005	EXAMINER	
LAW OFFICE OF JOHN LIGON 505 HIGHLAND AVENUE P.O. BOX 43485 UPPER MONTCLAIR, NJ 07043			LE, DEBBIE M	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,280

Applicant(s)

GEHLOT ET AL.

Examiner

DEBBIE M LE

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicants' arguments filed on 9/16/05. Claims 1, 13, 14, 25 and 26 are amended. Claims 1-31 are pending and presented for examinations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (USP Application No. 2002/0052674 A1).

As per claim 1, Chang discloses a computer system comprising:

a first data storage unit disposed proximate a first position (fig. 2, # 203) and adapted to store object data (search results be stored in memory) related to an object user's profile) (¶ 0060);

a second data storage unit disposed proximate a second position (fig. 2, remote computer #200, ¶ 0058) and adapted to store said object data (the server computer

needs to store and maintain the previous search activities on a per user basis) (§ 0083);  
and

a processing unit (fig. 2, # 200, Internet Service Provider) adapted to process position data related to the object as the object moves between the first position and the second position (GPS receiver to locate the current position dynamically, see page 4, par. 0057, i.e., the user is operating a vehicle or walking on the road or walking in the shopping mall using a cellular phone, see page 3, par. 0055), such that said object data is transferred from said first data storage unit to said second data storage unit (Internet Service Provider relays information to and from a first data storage to a second data storage through the Internet) (§ 0056) at a time other than the time that the object moves from the first position to the second position (the search area is moving according to user's position, § 0063).

As per claim 2, Chang teaches wherein when the object moves from the first position to the second position during a high communication traffic period (traffic conditions start between 8:00 am to 9:30 am, Monday to Friday), said object data is delayed so as to be transferred from said first data storage unit to said second data storage unit during a low communication traffic period (low bandwidth communication channel) (§ 0061-0062).

As per claim 3, Chang teaches wherein said object data is transferred as a function of a predicted movement of the object before the object moves (predict the future travel path, moving according to user's position § 0018).

As per claim 4, Chang teaches wherein said predicted movement is based upon travel information chosen from the group consisting of airline reservations, car rental reservations, hotel reservations and the object's travel history (user's search criteria history, ¶ 0019).

As per claim 5, Chang teaches further comprising a global positioning system (GPS) unit coupled to said processing unit and adapted to obtain said position data related to the object (GPS receiver to locate the current position dynamically, ¶ 0057).

As per claim 6, Chang teaches:

a first communication unit coupled to said first data storage unit; and a second communication unit coupled to said second data storage unit wherein said data is transferred from said first data storage unit to said second data storage unit via said first communication unit and said second communication unit (communication channel to an Internet Service Provider, ¶ 0056).

As per claim 7, Chang teaches wherein said first communication unit and said second communication unit communicate wirelessly (wireless connection, ¶ 0056).

As per claims 8-9, Chang teaches a personal communication unit (fig. 2, # 203) coupled to said processing unit and adapted to facilitate communication of said object data between the object (user's moving position) and said first and said second data storage units, to facilitate communication of said travel information between the object and said first and said second data storage units (scheduling subsystem to collect the user's velocity, current position, next search area, etc. to determine the schedule of the next search) (¶ 0063, ¶ 0083).

As per claim 10, Chang teaches wherein when the object returns to said first position from said second position, the object data is transferred from said second data storage unit back to said first data storage unit at a time other than the time when the object returns (real-time or dynamic information of a user direction (moving) is updated, the user receive updated information related to the overlapped area (§§ 0020-0021, 0064).

As per claim 11, Chang teaches wherein the object data is deleted from said second storage unit when the object data is transferred from said second data storage unit back to said first data storage unit (remove the old search results on the overlapped area, §§ 0022, §§ 0064).

As per claim 12, Chang teaches wherein the object is a person (user's position) and said object data is chosen from the group consisting of medical information, financial information, driver record information (travel route, direction of the user is moving, which be stored in a user profile), personal contact information and insurance information (§§ 0060, §§ 0064).

Claims 14, 26 are rejected by the same rationale as state in independent claim 1 arguments.

Claims 13, 25 are rejected by the same rationale as state in independent claim 1 arguments. Moreover, Chang teaches storing object data related to the object at one of a plurality of data storage units (the task manager schedules search events and chooses geographic search area to retrieve user's nearby information along the travel

path, see abstract), and said plurality of data storage units being disposed proximate a corresponding plurality of positions (fig. 1, user computer 102, 112, 121).

Claims 15-24, 27-31 have similar limitations as claims 2-12; therefore, they are rejected under the same subject matter.

### ***Response to Arguments***

Applicant's arguments filed 9/16/04 have been fully considered but they are not persuasive.

Applicants argued that Chang do not show or suggest the dynamic database for transferring related data of the object located from the first position to the second position in coordination with the movement of the object.

In response, the examiner respectfully submits that the feature upon which applicants rely "the dynamic database" is not recited in the rejected or newly amended claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, the feature upon which applicants argued the movement of the wireless terminal is not equivalent the claim limitation "as the object moves". As a result, Chang teaches a movement of the object (e.g., a user is driving a car, or **a user is walking in a shopping mall using a cellular phone**, see page 3, par. 0055) does anticipated as broadly claimed by the applicant. Applicants clearly have failed to clarify specific terms "object moves" as well as "object data" in the

claim limitations that would define a patentable distinction over Chang. Therefore, rejections for claims 1-31 are respectfully maintained.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE  
Examiner  
Art Unit 2167

Debbie Le

Feb. 18, 2005.



CYNTHIA ROBINSON  
PRIMARY EXAMINER